

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

DA 10-0027

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FILED

JAN 15 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN RE THE VISITATION OF)
)
 W.B.S., AND D.C.S.,)
)
 Minor Children,)
 _____)
)
 TANYA N. SPAULDING,)
)
 Appellant,)
)
 -and-)
)
 SHARON K. SNYDER,)
)
 Appellee.)
 _____)

**NOTICE OF APPEAL AND
 CHALLENGE TO
 CONSTITUTIONALITY
 OF TITLE 40 CHAPTER 9
 GRANDPARENT-GRANDCHILD
 CONTACT**

NOTICE is given that Tanya Spaulding, the Appellant above-named and the Respondent in that cause of action filed in the Thirteenth Judicial District, in and for the County of Yellowstone, as Cause No. DR 07-943, hereby appeals to the Supreme Court of the State of Montana from the final order entered in such action on the 30th day of December, 2009.

FURTHER NOTICE is given that Tanya Spaulding, the Appellant above-named challenges the constitutionality of Montana's Grandparent-Grandchild Contact statutes at Title 40 Chapter 9.

THE APPELLANT FURTHER CERTIFIES:

1. That Appellant believes this appeal is subject to the mediation process required by Rule 7, M.R.App.P., in that it involves a domestic relations case involving the Appellant's efforts to terminate grandparent contact with children along with an associated contempt proceeding, both of which together appear to be subject to Rule 7, mediation.

2. That this appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b).

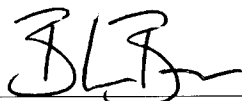
3. That the notice required by M.R.App.P. 27 provided herein has been given, to the Supreme Court and to the Montana Attorney General with respect to a challenge to constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M.R.App.P. 8(3) contemporaneously with the filing of this notice of appeal.

5. That Council for Appellant has contacted council for Appellee in regard to application of a supersedeas bond in this case, and Appellee waives the requirement of a supersedeas bond and the District Court's approval of a supersedeas bond.

6. That included herewith is the filing fee prescribed by statute.

Dated 14 this day of January, 2010.



Benjamin J. LaBeau
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and each party not represented by an attorney in the above-referenced District Court action, via first-class U.S. mail, as follows:

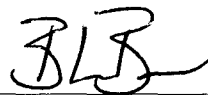
Clerk of District Court
P.O. Box 35030
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Helena, Montana 59620-1401

Dated this 14 day of January, 2010.



Benjamin J. LaBeau,
Attorney for Appellant